Simon v. Adzilla, Inc [New Media] et al
Doc. 127 Att. 13

EXHIBIT N

Dockets.Justia.com

Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
Stanford Research Park
3300 Hillview Boulevard
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Defendants
Connectu LLC, Cameron Winklevoss,
Tyler Winklevoss, Howard Winklevoss,
and Divya Narendra

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC. Plaintiff, v. CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25, Defendants.	CASE NO. 105 CV 047381 **DECLARATION OF CONNECTU LLC**

I, Cameron Winklevoss am a member of and currently on the Board of Managers of ConnectU LLC. I make this declaration in response to the Court's Order, dated February 17, 2006.

On behalf of ConnectU, I was responsible for reviewing and drafting the responses to Plaintiff The FaceBook Inc.'s First Set of Requests for Production of Documents ("Discovery"). I am the ConnectU representative regarding this Discovery. I have made a diligent search and reasonable inquiry for the purpose of locating documents responsive to this Discovery and have forwarded such documents to my counsel. My specific responses to the Requests are as follows:

1. Regarding Request No. 1, after a diligent search, no such documents exist.

2. Regarding Request No. 2, I understand that discovery requests concerning ConnectU users has been denied.

3. Regarding Request No. 3, after a diligent search, no such documents exist.

4. Regarding Request No. 4, after a diligent search, no such documents exist.

5. Regarding Request No. 5, after a diligent search, no such documents exist.

6. Regarding Request No. 6, after a diligent search all documents regarding the organizational structure of ConnectU were previously produced in the Massachusetts litigation. Their production numbers are: C002825-31; C004101; C004562-67; C006789-90; C006818; C008043; C009718; C011104; C011105; C011106; C011107; C011108; C011109; C011110; C011111; C011112; C011113; C011114; C011115; C011116; C011117; C011144-89; C011190-236; C011237-84; C011285-335; C011336; and C011337. There are no documents that relate to both the Winklevoss Companies and ConnectU.

7. Regarding Request No. 7, after a diligent search all corporate records concerning ConnectU were previously produced in the Massachusetts litigation. Their production numbers are: C002825-31; C004101; C004562-67; C006789-90; C006818; C008043; C009718; C011104; C011105; C011106; C011107; C011108; C011109; C011110; C011111; C011112; C011113; C011114; C011115; C011116; C011117; C011144-89; C011190-236; C011237-84; C011285-335; C011336; and C011337. There are no documents that relate to both the Winklevoss Companies and ConnectU.

8. Regarding Request No. 8, after a diligent search there are no financial reports, profit/loss statements or loan documents concerning ConnectU. There are no documents that relate to both the Winklevoss Companies and ConnectU.

9. Regarding Request No. 9, after a diligent search all documents regarding the communications between ConnectU and companies or persons in California, ConnectU states that it cannot confirm whether any such communications occurred. In the Massachusetts litigation, ConnectU produced copies of many communications, mostly in the form of e-mails that reflected a recipient or sender who identified a California address and/or telephone number. Their production numbers are: C003883-84; C004511; C004515-16; C006379; C006488; C006493-532; C006633-34; C006722-25; C006733-35; C006741-46; C006750; C006782-84; C006973; C007123-27; C007129-30; C007137; C007375-78; C007393-94; C007403; C007488-89;C008544-45; C008676-77; C008872-73; C008948-51; C008990-92; C008996-98; C009000-02; C009007-09; C009011-25; C009168-69; C009386; C009389-90; C009395-96; C009403-08; C009613; C010181; C010325-26; C010368-70; C010639; C010643; C010662; C010664; C010667; and C010710-11. In this litigation, ConnectU has produced copies of all remaining communications that reflected a recipient or sender who identified a California address and/or telephone number. Their production numbers are CUCA00001 - CACU000227.

10. Regarding Request No. 10, I understand that discovery requests concerning ConnectU users has been denied.

11. Regarding Request No. 11, after a diligent search, ConnectU does not have any account receivable due from a California resident.

12. Regarding Request No. 12, after a diligent search, ConnectU does not have any personal or real property in California.

13. Regarding Request No. 13, after a diligent search, ConnectU does not have any contracts in which California law governs.

14. Regarding Request No. 14, while the word "access" is vague and uncertain, after a diligent search, ConnectU has produced in the Massachusetts litigation all known documents it believes are responsive to this request. The production numbers of these documents are:

C003282; C004043; C004225; C004235; C004243; C006535-36; C006537; C006538-40; C006711-12; C008023; C008531; C008657; C008658; C008669; C008670; C008673; C008674; C008675; C008691; C008810; C008811-19; C008835; C008848; C008954; C008957; C008959; C008962; C008963; C008964-65; C009611-12; C010359; C010360-63; C010364; C010365; C010446; C010447; C010448; C011005; C011038; C011039-40; C011093; and C011097.

15. Regarding Request No. 15, after a diligent search, ConnectU hereby produces documents that are bate stamped CUCA00228 - CUCA02960.

16. Regarding Request No. 16, after a diligent search, ConnectU does not have any licenses or registrations regarding the ability to do business in California.

17. Regarding Request No. 17, I understand that discovery requests concerning ConnectU users has been denied.

18. Regarding Request No. 18, after a diligent search, all formation records of ConnectU were previously produced in the Massachusetts litigation. Their production numbers are: C002825-31; C004101; C004562-67; C006789-90; C006818; C008043; C009718; C011104; C011105; C011106; C011107; C011108; C011109; C011110; C011111; C011112; C011113; C011114; C011115; C011116; C011117; C011144-89; C011190-236; C011237-84; C011285-335; C011336; and C011337.

19. Regarding Request No. 19, after a diligent search, all documents concerning ConnectU's directors, officers, employees and agents as their activities concerned ConnectU were previously produced in the Massachusetts litigation. Their production numbers are: C002825-31; C004101; C004562-67; C006789-90; C006818; C008043; C009718; C011104; C011105; C011106; C011107; C011108; C011109; C011110; C011111; C011112; C011113; C011114; C011115; C011116; C011117; C011144-89; C011190-236; C011237-84; C011285-335; C011336; and C011337.

20. Regarding Request No. 20, after a diligent search, ConnectU produced copies of many documents that might reflect marketing activities in California. Their production numbers are: C003883-84; C004515-16; C006973; C007137; C007403; C008544; C008948-51; C009011-25;C009168-69; C009389; C010368-70; C010639; C010662; and C010664. In this litigation,

ConnectU has produced copies of all remaining communications that might reflect marketing activities in California. Their production numbers are CUCA00001 - CACU000227.

21. Regarding Request No. 21, after a diligent search for all documents regarding California people or entities with whom ConnectU had a relationship, ConnectU states that it cannot confirm whether any such relationship existed. In the Massachusetts litigation, ConnectU produced copies of many communications, mostly in the form of e-mails that reflected a recipient or sender who identified a California address and/or telephone number. Their production numbers are: C003883-84; C004511; C004515-16; C006379; C006488; C006493-532; C006633-34; C006722-25; C006733-35; C006741-46; C006750; C006782-84; C006973; C007123-27; C007129-30; C007137; C007375-78; C007393-94; C007403; C007488-89;C008544-45; C008676-77; C008872-73; C008948-51; C008990-92; C008996-98; C009000-02; C009007-09; C009011-25; C009168-69; C009386; C009389-90; C009395-96; C009403-08; C009613; C010181; C010325-26; C010368-70; C010639; C010643; C010662; C010664; C010667; and C010710-11. In this litigation, ConnectU has produced copies of all remaining communications that reflected a recipient or sender who identified a California address and/or telephone number. Their production numbers are CUCA00001 - CACU000227.

22. Regarding Request No. 22, after a diligent search, all documents concerning the ownership and investments in and of ConnectU were produced in the Massachusetts litigation. Their production numbers are: C002858-59; C004101; C006773; C006789-90; C008548; C009661; C009662; C010168-69; C010173; C010174-75; C010246; C010291-92; C010296; C010308; C010314; C011144-89; C011190-236; C011237-84; C011285-335; C011336; and C011337.

///

///

///

///

///

///

///

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on the 3 day of March, 2006.

Cameron Winklevoss